

01-07-05

10:13am From-781-687-9090

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T-991 P.001/003 F-284

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FORM**

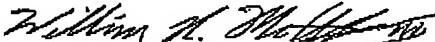
Application Number	10/065,868
Filing Date	11/26/2002
First Named Inventor	Xue Mei Zhou
Art Unit	1631
Examiner Name	Marina I. Lebedeva
Total Number of Pages in This Submission	3
Attorney Docket Number	3291.3B

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(to be used for all correspondence after initial filing)

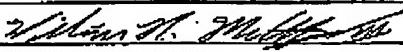
ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below)
Remarks - Response to Restriction Requirement (2 Pages)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Affymetrix, Inc.		
Signature			
Printed Name	William R. McCarthy III		
Date	1/7/2005	Reg. No.	55,788

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Signature	
Typed or printed name	William R. McCarthy III
Date	1/7/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No.: 10/065,868

PATENT
Attorney Docket No. 3291.3B
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Xue Mei Zhou et al.

Serial No: 10/065,868

Filing Date: 11/26/2002

**Title: Method, System, and Computer
Software for Ordering of Custom Probe
Arrays**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner: Marina I. Lebedeva

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Group Art Unit: 1631

JAN 07 2005

RESPONSE TO RESTRICTION REQUIREMENT

Dear Examiner Lebedeva:

In response to the December 9, 2004 Restriction Requirement, Applicants hereby elect the following without traverse:

Applicants hereby elect Group I, claims 1-35, and 84.

Applicants also hereby make the following species elections within Group I:

With respect to specie A, a target for detection, Applicants elect the species of "nucleic acids" as recited in claim 1.

With respect to specie B, a combination of parameters, Applicants elect the species of "uniqueness" as recited in claims 10, and 24.

With respect to specie C, a probe array format factor, Applicants elect the species of "one or more indicators of geographic dispersion of probe sets on the probe array" as recited in claims 13, and 27.

With respect to specie D, a probe set identifier, Applicants elect the species of "a gene" as recited in claims 9, and 23.

Applicants also reserve the right to re-present non-elected claims or species in a divisional or other related application.

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Application No.: 10/065,868

Applicants believe that no fee is required. However, if a fee is required, the Commissioner is hereby authorized to deduct such fee from the undersigned's Deposit Account, 01-0431.

Respectfully submitted,

Dated: January 7, 2005

By 

William R. McCarthy III Reg. No.: 55,788

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